

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PAULA ENCARNACION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04 12021 RCL
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES AND TO  
MODIFY THE DISCOVERY SCHEDULE**

The United States moves, pursuant to Fed. R. Civ. P. 37, for an order directing that the Plaintiff respond to interrogatories and requests for production of documents served on the Plaintiff on or about May 10, 2005. In that discovery is scheduled to conclude on October 21, 2005, the defendant also requests that the discovery schedule be modified to allow an additional 90 days to complete the discovery obligations listed therein.

In support of the motion the United States states:

1. Interrogatories and Requests for production of Documents were served upon the Plaintiff on or about May 10, 2005.  
See Exhibits 1 and 2.
2. On June 10, 2005, the United States contacted Plaintiff's counsel to inquire regarding the status of the discovery responses. See Exhibit 3.
3. Having received no response, the United States contacted Plaintiff's counsel on July 14, 2005, and July 21, 2005,

inquiring as to the status of the discovery responses. See Exhibits 4 and 5.

4. On or about July 26, 2005, the United States agreed to extend the time to file such responses through August 26, 2005. See Exhibit 6.
5. On September 12, 2005, I attempted to contact Plaintiff's counsel by letter. See Exhibit 7.
6. As of this date, September 19, 2005, no responses have been provided and Plaintiff's counsel has not responded to my September 12, 2005, letter.
7. Fact discovery is scheduled to close on October 21, 2005.

Wherefore, the United States requests that this Court order that discovery responses be provided and that the discovery schedule be amended to allow a 90 day extension to all deadlines therein from the date Plaintiff provides initial discovery responses.

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: /s/ Mark J. Grady  
Mark Grady  
Assistant United States Attorney  
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Certificate of Compliance with LR 7.1

On June 10, 2005, July 14, 2005, July 21, 2005, July 26, 2005 and September 12, 2005, I certify that I contacted Plaintiff's counsel attempting to resolve the issues raised by way of this motion.

/s/ Mark J. Grady

Mark J. Grady

Assistant United States Attorney

Certificate of Compliance with Rule 37

On June 10, 2005, July 14, 2005, July 21, 2005, July 26, 2005 and September 12, 2005, I certify that I contacted Plaintiff's counsel attempting to resolve the issues raised by way of this motion. On July 26, 2005, I attempted to resolve this dispute by granting an extension through August 26, 2005, to provide responses. Having received no discovery responses, on September 12, 2005, I attempted to further resolve the matter by letter on September 12, 2005, but have received no response.

/s/ Mark J. Grady

Mark J. Grady

Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed this 19<sup>th</sup> day of September, 2005, to:

Andrew Barrett  
McCarthy, Barrett & Norton, P.C.  
21 McGrath Highway, Unit 301  
Quincy, MA 02169

/s/ Mark J. Grady

Assistant United States Attorney